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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,960	02/17/2004	Christopher W. Bratteli	120.020US2	2311
40064 7590 10/04/2007 LEMAIRE PATENT LAW FIRM, P.L.L.C. PO BOX 11358 ST PAUL, MN 55111			EXAMINER NATNITHADHA, NAVIN	
			ART UNIT 3735	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/780,960

Applicant(s)

BRATTELI, CHRISTOPHER W.

Examiner

Navin Natnithithadha

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3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-40, 43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-40, 43 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02172004/09122005
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 17, 41, and 42 have been cancelled. Claims 43 and 44 have been added. Claims 1-16, 18-40, 43, and 44 are pending.

### ***Election/Restrictions***

2. Applicant's election without traverse of Group I, claims 1-16, 18-40, 41, and 42, in the reply filed on 15 August 2007 is acknowledged.

### ***Information Disclosure Statement***

3. The information disclosure statements filed 17 February 2004 and 12 September 2005 fail to comply with 37 CFR 1.98(a)(3) because the cited references do not include a date of publication. It has been placed in the application file, but the cited information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-16, 18-40, 43, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Peel, III, et al, US 6,662,130 B1 ("Peel").

Claims 21-40: Peel teaches a system for computerized calculation of one or more vascular-compliance parameters of a patient, the system comprising:

a first sensor ("second device" or "occlusion cuff blood pressure monitor") 200 that measures an oscillometric arterial signal (see col. 4, l. 58, to col. 5, l. 18);

a second sensor ("first device" or "tonometer") 300 that measures a tonometric arterial signal (see col. 4, l. 58, to col. 5, l. 18);

a first analog-to-digital converter 110, operatively coupled to the first sensor 20, that generates a sequence of oscillometric values that are based on the oscillometric signal 210 (see col. 16, l. 21, and col. 20, ll. 30-59);

a second analog-to-digital converter 110, operatively coupled to the second sensor 300, that generates a sequence of tonometric values that are based on the tonometric signal 310 (see col. 16, l. 21, and col. 20, ll. 30-59);

a computer system 100, operatively coupled to the first and second analog-to-digital converters, wherein the computer system processes the first and second sequences of values and calibrates the sequence of tonometric values based on the one or more oscillometric parameters to generate one or more values each corresponding to one of the one or more vascular-compliance parameters (see col. 4, l. 58, to col. 5, l. 64).

As to claims 22-40, teaches the subject matter of these claims (see figs. 15-18, and col. 5, l. 65, to col. 19, l.6).

Claims 1-16, 18-20, 43, and 44: teaches the corresponding method steps in practicing the apparatus of claims 21-40 discussed above.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The other patents cited in the PTO-892 teach subject matter related to the Applicant's claims (particularly US 5,165,416 A). The Examiner suggests reviewing these patents before responding to the present Office Action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navin Natnithithadha whose telephone number is (571) 272-4732. The examiner can normally be reached on Monday-Friday, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II, can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Navin Natnithithadha

Patent Examiner

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10/01/2007